

**A MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WILL BE HELD IN THE THIRD FLOOR ASSEMBLY ROOM AT THE CITY/COUNTY BUILDING ON TUESDAY, JUNE 3, 2008 AT 10:00 A.M.**

**PRESENT:** Matt Denison, Carl Malysz, Kay Garry, Police Chief Greg Crabtree, Code Enforcement Officer Pam Badger, Traffic Director Dennis Smith, Fire Chief Matt Juliot, Street Dept Director Mickey Thompson, City Clerk Marcey Wisman, Building Commissioner Ron Hartman, Flood control Director Ron Granger, David Hall, Animal control, Shane Gibson city Attorney

**CALL TO ORDER:**

**Mr. Malysz called the meeting to order at 10:06 a.m.**

**PLEDGE OF ALLEGIANCE:**

**NEW BUSINESS:**

**Item #1 - Shirley Baird re: dumpster for neighborhood cleanup on W. 7<sup>th</sup> Street (812) 949-1449 W (812) 584-8732**

**Puff Anderson**, 1547 Corydon Pike, spoke on behalf of Shirley Baird to set up a cleanup date in the West End. She asked if Mr. Coffey had set a date for the cleanup day. She stated that she has a church that has agreed to allow them to park a dumpster in their lot. She asked if this would be just a dump truck or a dumpster.

**Mr. Malysz** explained to her how the city has been operating the cleanup days in neighborhoods and informed her that the lead individuals on these efforts are Matt Denison and Mickey Thompson.

**Ms. Anderson** stated that Park View Baptist Church has already agreed to allow them to place a dumpster in there parking lot and they are going to have their youth volunteer to help with the clean up. She stated that her vision for this clean up was not necessarily about people cleaning out their garages but picking up trash along the streets and alleys. She thought that it would be nice if they could help the elderly and handicapped clean up the property as well. She asked if it would be possible if the people could leave the bags to be picked by trucks as they bag the trash along the roads.

**Mr. Malysz** stated that he liked her ideas for the clean up but that these details should be worked out in a meeting with Mr. Denison.

**Mr. Denison** stated that she could contact him and they would work together to set up the clean up plan.

**Item #5 - Mike Ladd re: grant program for urban Enterprise Zone Association 944-3454**

**Mr. Ladd** explained to the board that the Urban Enterprise Zone Association has been working to improve the look of the downtown area and they have given money to improve the facades of several buildings. He stated that the grant they are working on now is a Sandwich Board Grant to unify the look of the downtown area. He stated that the grant will be for \$1,000 dollars which will cover the cost of approximately 10 sandwich boards. He also informed them there is currently an ordinance on the books that requires for an individual to get a permit to put a sandwich board. He stated that there are several really nice boards out there already, but there are also people who have home made boards.

**Mrs. Garry** asked if this is only for businesses in a certain area.

**Mr. Ladd** stated that it is only for the Enterprise Zone and that in order for them to receive a grant they will have to have a permit from this board.

**Item #6 - Andy Spellman with Shaboom Fireworks re: permit to sell fire works.**

**Mr. Spellman** stated that he is requesting a vendor permit to sell fire works at the corner of Daisy Lane and State Street.

**Mr. Denison** stated that in the past years they have passed this request contingent upon him sending his State permit to the City Clerk's office.

**Mr. Malysz** asked if he plans to demonstrate any of these fireworks.

**Mr. Spellman** informed the board that he would not be demonstrating the fireworks.

**Mr. Denison moved to approve with the stipulations that he submit his permit from the state fire Marshall and verification that he has permission from the property owner, Mrs. Garry second, all voted in favor.**

**Item #7 - Dana Humphreys with DePaul re: alley closing between DePaul and Shelby for annual Neighborhood Church Picnic August 2<sup>nd</sup> 948-8139**

**Dana Humphreys** DePaul Methodist Church, requested the closing of the alley between Beeler and Shelby Street for their annual Church picnic on August 2<sup>nd</sup> between the hours of 3:00PM – 7:00PM

**Mrs. Garry made a motion to close the alley between DePaul and Shelby on August 2nd from 3 -7PM, Mr. Denison second, all voted in favor**

**Item #8 - Dennis Smith - Handicap parking space William Faith, 1218 Clark Street**

**Mr. Smith** presented a picture that showed that Mr. Faith has plenty of off street parking at his house and he does not recommend that this be passed.

**Mr. Denison moved to deny the request based on Mr. Smith's recommendation, Mrs. Garry second, all voted in favor.**

**Mr. Malysz** stated that he would like a letter sent to Mr. Faith explaining that due to his off street parking his request has been denied.

**Item #9 - Carl Malysz re: request to close Market Street in front of the Grand for 2008 Legacy Award Gala for Ivy Tech**

**Mr. Malysz** stated that this request to close Market Street on June 12<sup>th</sup> in front of the Grand. He stated that this comes by way of a written request via the Mayor and the Mayor is in full support of this function. He read the letter into the record, said letter is on file with the City Clerk's office.

**Mr. Denison moved to close one lane in front of the Grand pending the hours, Mrs. Garry second, all voted in favor.**

**Item #11 - Marcey Wisman on behalf of the Redman Club re: request for road block to collect for Crusade on Saturday, June 7, from 8:00 – 6:00 at Silver and Spring.**

**Ms. Wisman** stated that she received a call from the Redman's Club who assists the Fire Department every year in the collection for the Crusade for Children.

**Mrs. Garry made a motion to approve the request to collect, Mr. Denison second, all voted in favor.**

## **OLD BUSINESS:**

### **Item #1 - Leo Messmer with Dan Christiani re: requesting street cut permit for Mt. Tabor Rd. 502-552-4689**

**Mr. Messmer** presented a revised drawing for their request to make a road cut for both sewer and water lines on Mt. Tabor road. Said drawing is on file with the City clerk's office. He stated that he is not expecting an answer today because he is not sure if Jacobi, Toombs and Lanz have had an opportunity to review this plan.

**Mr. Malysz** asked him about the option of boring.

**Mr. Messmer** stated that they have to go under the gas line in the street and they aren't allowed to bore under it without it being exposed.

**Mr. Thompson** stated that he has reviewed this but he has not been able to get in touch with Jacobi, Toombs and Lanz to go over this proposal.

**Mr. Malysz** stated that he appreciates his not expecting an answer today. He stated that if the board is so inclined to allow him to work with Mickey and Jacobi Toombs and Lanz to make the decision without it having to come back to the board.

**Mr. Denison moved to approve the street cuts with the implementation of a plan from Jacobi, Toombs and Lanz with a verbal approval from Mr. Malysz and Mr. Thompson, Mrs. Garry second, all voted in favor.**

### **Item #2 - William Reid, Superior Environmental Corp, re: request to do soil borings in the right of ways on E. Spring and E. 5<sup>th</sup> for AT&T**

**Mr. Thompson** stated that he met with the City Engineer and expressed how she wanted this done and that she wants a copy of the findings. He recommended that this be approved based on the recommendation of Ms. Coyle.

**Mr. Denison moved to approve the request based on the recommendation of the City Engineer, Mrs. Garry second, all voted in favor.**

**Mr. Denison** reported that there had been a request for a street light on Old Ford Road a couple of weeks ago and there was some questions requiring a minimum distance between the lights

**Mr. Thompson** reported that because of the trees and the growth in the bend and if there are no distance standards he would recommend that they install the light.

**Mr. Malysz** stated that there is a standard within planning that require them to place street lighting no closer than 300 feet together.

**Mrs. Garry** asked if this light will benefit one person or several residents.

**Mr. Thompson** stated that there are several residents in the area that would benefit.

**Mrs. Garry made a motion to approve with the stipulation to do additional research to see whose yard the light would be installed in and that they were not opposed to this light, Mr. Denison second, all voted in favor.**

**Mr. Malysz called a recess at 10:55 a.m.**

**Mr. Malysz** called the meeting back to order at 11:10 a.m. He stated that they have before them 4 applications to perform EMS services in New Albany. He stated that in the code of ordinances there is reference to an EMS Board and given that it does not exist the default board would be the board of public works and safety but he is not aware of the board handling such applications.

**Mrs. Garry** stated that in the 90's Yellow Ambulance did come to the board and was given permission to act as the back up EMS.

**Mr. Malysz** asked Shane Gibson to summarize how they should consider these applications and what they are bound to by law.

**Mr. Gibson** stated that they should all have copies of the applications and that each company should have a representative available to answer any questions that the board may have. He stated that the ordinance spells out what they should look at when considering these applications.

**Mr. Malysz** asked if in regard to any of the requirements spelled out they should be able to refer to the City's EMS director who is the Fire Department.

**Mr. Gibson** stated that with respect to any expertise they have it comes from the director of the EMS and the board should listen to what the director knows about the state requirements.

**Mr. Malysz** asked if they should take into consideration any outside entities that may be serviced by these companies.

**Mr. Gibson** stated that if they get any forms or information regarding that they can certainly take it into consideration but they haven't received anything yet.

#### **Item #2 – New Chapel EMS re: application for permit**

**John Kraft**, Young, Lind, Endris and Kraft, appeared on behalf of New Chapel. He stated that he wants to correct the record regarding the letter sent by Shane Gibson. He stated that the letter was created May 15, post-marked May 19 and delivered May 20. He explained that his client turned in an application on May 16<sup>th</sup> and they met with Chief Juliot to discuss some of the requirements that may not have been met and they corrected these items and submitted them to Mr. Gibson. He gave a history on New Chapel regarding their service and what they have done to come into compliance with this ordinance. He explained that they City contacted their providers to say that they were not licensed and they immediately stopped service so that they could get the matter corrected. He stated that if the board had any questions he would be happy to answer them.

**Mr. Denison** asked how they track their runs and how they know about any complaints.

**Mr. Jamey Nole** stated that they receive their runs from the City's over flow.

**Mr. Gibson** stated that they have the application, a copy of the State of Indiana certification, and a copy of the insurance.

**Mr. Kraft** stated that they were all submitted to the Controller's office on May 16<sup>th</sup>.

**Chief Juliot** asked if Dr. Ferree is their medical director and if he is trained in emergency medicine.

**Mr. Nole** stated that Dr. Ferree is there medical director but he can not answer as to what his qualifications are as far as emergency medicine.

**Chief Juliot** stated that he received a letter from Dr. Harris that has caused him some concern and it didn't quite add up for him.

**Mrs. Garry** asked that the letter be read into the record which was dated 5/28/08.

**Ms. Wisman** read said letter into record which is on file with the City Clerk's office.

**Mr. Malysz** asked how Dr. Harris came about to be the Fire Departments Medical

Director

**Chief Juliot** stated that Floyd Memorial is their sponsoring hospital and he is a member of their medical staff and they answer to him for any issues that come up and they go to him for training and he writes their protocol.

**Fire EMT Tom Williams** explained that the New Albany Fire Department EMS is sponsored by Floyd Memorial Hospital and Dr. Thomas Harris has volunteered to act as their Medical Director.

**Mr. Gibson** asked for clarification that he simply is the medical director for the Fire Department itself and not for the City of New Albany.

**Chief Juliot** stated that was correct.

**Mr. Kraft** stated that this letter is written by the medical director of the New Albany Fire Department and not by a representative of Floyd Memorial hospital. He explained that the contract specifically speaks to the fact that it can't be terminated unless 90 days notice is given and no notices has been forwarded or received. He stated that if Mr. Harris is taking the steps to jump in the middle of a contract between these services and the hospital then he would urge him to proceed with caution because he is representing the competition.

**Mr. Malysz** stated that he understands what Mr. Kraft is saying but the department none the less relies on this Doctor.

**Mr. Gibson** reviewed to be sure that they have received all appropriate information.

**Mr. Malysz** asked about their location on Main Street and whether they own or lease this property

**Mr. Noel** stated that they have a verbal lease that is on a \$1.00 month to month basis.

**Mr. Malysz** stated that the City of New Albany has a exclusive monopoly on this service given the fact that it is incorporated as a municipality and it is a responsibility that is authorized under state statute. He stated that there is a separate statute that outlines that if the Fire Department needs additional help with the service then the city may authorize the issuance of a permit. He explained that they receive these four permits all at once and they are just trying to sort things out and make an educated decision.

**Mr. Kraft** stated that they main issue that they have is that the department has been before the board three weeks straight and they have met all of the requirements of the ordinance and they have given the City their due diligence to look over and address any questions that they may have.

**Mr. Malysz** asked Mr. Gibson if they were required to make a decision on this matter today.

**Mr. Gibson** stated that they are not obligated to make a decision today.

**Mr. Kraft** stated that in their ordinance it specifically addressed the fact that this will occur at the next regularly scheduled meeting and they were here at that next meeting.

**Mr. Malysz** stated that they ordinance says that they will hear it not decide on it. He stated that the board will take the responsibility for not having a decision ready at the last meeting but they felt as if they did not have enough information regarding the process and they are attempting to move this along as quickly as possible.

**Item #3 - Chris Katsoulis with Rural Metro Ambulance re: application for permit.  
502-618-7158**

**Chris Katsoulis** addressed the board and gave details of Rural Metro Ambulances business. He stated that they did not know that they had to file an application with the city to operate. He informed the board that they do not have a local substation, but they are currently looking for a location. He stated that there is definitely a need for more ambulance service. He stated that their medical director is Dr. Yazell and they are sponsored by Clark Memorial Hospital.

**Mrs. Garry** asked if they have a contract with Floyd Memorial Hospital.

**Mr. Katsoulis** stated that they do not.

**Chief Juliot** stated that the only issue he has is with the fact that they do not have a local substation or Floyd Memorial as a sponsoring hospital.

**Mr. Gibson** asked if he had a copy of their protocol with him.

**Mr. Katsoulis** stated that he does not have them with him but they will provide that.

**Chief Juliot** asked how he can be sure that they provide better service than the New Albany fire Department

**Tom Williams** stated that their protocol is different because they are paramedics and the New Albany EMS is an intermediate transport so they are going to be different but not necessarily better. He said they still provide the same front line care but it isn't a fair comparison to make between the intermediate level and paramedic level.

**Mr. Malysz** asked for him to explain the different levels of EMS.

**Tom Williams** explained the first responder or basic first aid, basic EMT which provides general support care until a higher level gets there, advanced EMT can do iv's and heart monitoring, intermediate level has 15 front line cardiac drugs, heart monitoring and pacing, chest decompressions and has shorter transport times, and paramedic level can basically do anything that is allowed, more drug choices etc. He stated that the differences are based on the type of care you provide and the types of drugs you administer as well as what kind of transport you use and what kind of care you can give in the field.

**Mr. Katsoulis** stated that he in no way meant that the New Albany Fire Department did not provide adequate service but from protocol standpoint they have a higher level of care.

**Mr. Malysz** asked New Chapel the number of runs they made in a week and their level of EMS care.

**Mr. Kraft** stated that they made 25 stretcher runs.

**Mr. Noel** stated that they are paramedics.

**Mr. Gibson** stated that he would like to get the information provided by Rural on the record.

**Item #4 - Mark Ball with Sellersburg/Clark County EMS re: permit application 246-6656 or 502-558-8767**

**Mr. Ball** stated that they are a provider for Clark County EMS and he stated that Pete Lupino is their medical director and their sponsoring hospital is Clark Memorial. He stated that they did not know that they had to have Floyd Memorial as a sponsoring hospital. He explained that they do approximately 30 runs a week but that is down from before Rural Metro came in. He told the board that they have been operating in New

Albany since 1993 and they were never aware that they had to file this application.

**Mr. Gibson** stated that for the record all of the information has been turned in by Clark County EMS

**There was a lengthy discussion regarding how the different companies get their calls.**

**Item #10 - Mike Ross, Southern Indiana Yellow Ambulance re: application for permit**

**Chris Carter**, assistant director, informed the board that they have operated in New Albany since 1998 and outlined the different locations that they are in operation. He informed them that they have been working under agreement with the New Albany Fire Department as their primary back up department. He stated that they perform about 250 runs in the city a week and they have the resources available to be able to do this for the City and they would like to continue to do so.

**Mrs. Garry** stated that two of the applicants inserted their certifications and two haven't and she was wondering if they had those with them today.

**Tom Williams** stated that they are all State Certified providers.

**Mr. Gibson** asked the Chief if they took stretcher runs.

**Chief Juliot** stated that they only do 911 runs.

**Mr. Malysz** stated that one of the board's obligations is to make sure the city's services along with other providers are performing up to standards. He also stated that he does not like to make decisions piece meal and he would like to see that they set up agreements set for periods of time. He asked if the fire department had any idea what back up support they need to service the citizens of New Albany.

**Chief Juliot** stated that his main concern is they get the services to the citizens of New Albany for their safety and protection. He stated that he wants to ensure that there is accountability and that the facilities that these services go to have a place to go and voice their complaints to.

**Mrs. Garry** asked who would pick up the excess runs if these contracts were not approved.

**Chief Juliot** stated that Yellow Ambulance would. He stated that any of the facilities that have been discussed can call these entities to transport outside of the City. He explained that this ordinance is not to stop them from transporting it is simply to regulate what is being transported within the city.

**Mr. Malysz** asked what the difference was between the mutual aid agreement with Yellow Ambulance and these entities wanting to get a permit to operate.

**Chief Juliot** stated that it has to do with where the 911 calls are redirected to.

**Mr. Kraft** asked why providers were contacted with the information that these entities were not licensed to do business within the City if in fact they do not need any type of permit to transport outside or into the City.

**Mr. Williams** stated that when he approached the facilities it was his intent to make sure that the facilities had adequate transport and arrangements for business so that the patients wouldn't be left in the lurch. He stated that he advised all the facilities that according to his interpretation of the ordinance that it only affected from inside the city to inside the city and explained that if they wanted to transport outside the city it did not affect that.

**Chief Juliot** stated that he did this so that they would be informed of what was going on.

**Mr. Denison** stated that he needs time to take this under advisement for a week so that he can feel comfortable with his decision.

**Mrs. Garry** stated that she needs to talk with an attorney to see if she should recuse herself due to being on the hospital board.

**Mr. Malysz** wants to recess this meeting and reconvene at 1:00 p.m. to make a decision.

**Mr. Gibson** stated that it is his intention that business should continue as usual until the board makes their decision. He does not plan to file any sanctions.

**Mr. Ball** asked if they would contact their providers that they can make runs again.

**Tom Williams** stated that he would go back to the facilities and explain to them that they can do runs from inside to outside of the city or vice versa. They can not do city to city runs.

**Mr. Denison made a motion to recess this meeting with the understanding that they will reconvene June 10 at 1:00 p.m. to make a decision on all four applications, Mrs. Garry second, all voted in favor.**

**Mr. Malysz called the meeting back to order at 1:09 pm on June 10, 2008**

**Mr. Malysz** explained that they recessed the meeting to gather further information regarding the ambulance service. He stated that based on the information that they have seen the Fire Department has a monopoly on the provision of the emergency of the medical services for the City of New Albany and they also have an agreement with Yellow Ambulance and he does not want to confuse the two agreements but they are the back up for the Fire Department for EMS. He explained that they are discussing an ordinance that provides a process to focus in on a specific segment that might be generically termed EMS but they are really focusing on what has been termed “stretcher runs” within the City. He stated that it was his understanding that on occasion if a patient is already in the care of one of these entities they will serve as an EMS run. He explained that collectively they took a look at the ordinance and they questioned whether or not they were looking at this under the context of consumer responsibility and are they as a board proactively protruding into a market place decision to decide if they had enough providers. He stated that they are going to examine this in the terms of consumer protection and looking at the ordinance on the books to make sure the criteria is being met.

**Mr. Gibson** stated that they looked at the following requirements 1.) The public convenience and necessity require the proposed ambulance service and obviously they aren’t going to get into the market place to dictate what services they should provide but apparently there is a need for this service. He explained that 2) The applicant is a responsible and proper person to conduct or work in the proposed business and they have the applications in front of them to research this criteria and finally 3) All required criteria specified in this chapter have been met and this gets into the application requirements itself which is basically local standards because all four entities have permission from the state. He stated that there are obviously other requirements and standards that must be met but these three are the basics.

**The board decided to go over the evaluation of each ambulance service individually.**

#### **Yellow ambulance**

**Mr. Gibson** state that from the review that they have done all application requirements have been met, all ambulance standards have been met as well as equipment requirements and all “other standards” have been met. He explained that if you look at the findings



necessary for the board to allow this entity to operate in the City and he believes that they can find on behalf of all three of the requirements.

**Mr. Denison made a motion per the findings of the board and the city attorney that the three requirements: 1. The public convenience and necessity require the proposed ambulance service 2. The applicant is a responsible and proper person to conduct or work in the proposed business and 3. All required criteria specified in this chapter have been met, Mrs. Garry second, all voted in favor**

#### **Clark County EMS**

**Mr. Gibson** stated that it is the findings of the board that the application requirements have been met, the ambulance standards have been met with the exception of item (3) the equipment and licensed personnel must meet the Floyd Memorial Hospital requirements of a sponsoring, supervisory hospital. He explained that this is the only requirement that has not been met.

**Mr. Malysz** stated that he understands that they do have a sponsoring hospital in Clark County and he asked if they could pursue the same with Floyd Memorial as well. He asked the officers Clark County EMS if they would be willing with due haste to secure an agreement with them as a sponsoring hospital

**Mr. Rodney Scott** stated that they do believe that they meet the standards for Floyd Memorial but they will be happy to work with them and secure a contract with them in 90 days.

**Chief Juliot** stated that the agreement is only for inner-city so that is why the stipulation for them to have a contract with Floyd Memorial is important because that is the only hospital they will be transporting to.

**Mrs. Garry made a motion per the finding of the board and City Attorney that the three requirements: 1. The public convenience and necessity require the proposed ambulance service 2. The applicant is a responsible and proper person to conduct or work in the proposed business and 3. All required criteria specified in this chapter have been met, with the stipulation that they produce to the board a letter of agreement with Floyd Memorial Hospital within 90 days. Mr. Denison second, all voted in favor.**

#### **Rural Metro**

**Mr. Gibson** stated that it was the findings that they have met all the application requirements with the provision of the supplemental documents that they submitted after the last meeting, but Rural also has an issue with the supervisory hospital stipulation at this time. He explained that other standards are also met but there is a question regarding their proposed substation and whether or not it is appropriate for that area.

**Mr. Malysz** stated that it is zoned multi family and he would guess this is not a satisfactory location and he would assume they will come into compliance with that.

**Mr. \_\_\_\_\_** stated that they have been working with Floyd but they are on hold until this board makes a decision. He explained that with regards to the substation that once they are approved their legal department will handle the lease and any problems therein.

**Mr. Denison made a motion per the findings of the board and the City Attorney that the three requirements: 1. The public convenience and necessity require the proposed ambulance service 2. The applicant is a responsible and proper person to conduct or work in the proposed business and 3. All required criteria specified in this chapter have been met, with the stipulation that they provide an agreement with Floyd Memorial and that they reconcile the location for their substation, Mr. Denison second, all voted in favor.**

## **New Chapel**

**Mr. Gibson** stated that they have met the application requirements, the ambulance standards, met as well as all “other” standards.

**Mr. Malysz** asked where substation was located

**Mr. \_\_\_\_\_** stated that it was located at 224 East Main.

**Mr. Denison made a motion per the findings of the board and the City Attorney that the three requirements: 1. The public convenience and necessity require the proposed ambulance service 2. The applicant is a responsible and proper person to conduct or work in the proposed business and 3. All required criteria specified in this chapter have been met, Mrs. Garry second, all voted in favor**

## **ADJOURN:**

There being no further business before the board, the meeting adjourned at 1:54 p.m.

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Carl Malysz, President

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Mindy Milburn, Deputy City Clerk